

AMENDED IN SENATE AUGUST 21, 2012

AMENDED IN SENATE AUGUST 30, 2011

AMENDED IN SENATE JULY 1, 2011

AMENDED IN ASSEMBLY MAY 2, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 146

Introduced by Assembly Member Dickinson
(Principal coauthor: Senator Steinberg)

January 13, 2011

An act to amend, ~~repeal, and add~~ Section 39510 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 146, as amended, Dickinson. State Air Resources Board: membership.

Existing law establishes in the California Environmental Protection Agency the State Air Resources Board, which is responsible for control of emissions from motor vehicles and is designated the air pollution control agency for all purposes set forth in federal law. Existing law requires the state board to consist of 11 members appointed based on certain qualifications, including a requirement that one member be a board member from any district other than certain specified districts.

This bill would require the state board to consist of 12 members appointed based on certain qualifications. This bill would also require that the membership alternate between a member from a district within the Sacramento federal nonattainment area for ozone in either one member be from the Sacramento Metropolitan Air Quality Management

District, the Placer County Air Pollution Control District, the Yolo-Solano Air Quality Management District, the Feather River Air Quality Management District, or the El Dorado County Air Pollution Control District, and a member from any other district.

~~This bill would incorporate additional changes in Section 39510 of the Health and Safety Code, proposed by AB 135, to be operative only if AB 135 and this bill are both chaptered and become effective January 1, 2012, and this bill is chaptered last.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 39510 of the Health and Safety Code is
- 2 amended to read:
- 3 39510. (a) The State Air Resources Board is continued in
- 4 existence in the California Environmental Protection Agency. The
- 5 state board shall consist of ~~11~~ 12 members.
- 6 (b) The members shall be appointed by the Governor, with the
- 7 consent of the Senate, on the basis of their demonstrated interest
- 8 and proven ability in the field of air pollution control and their
- 9 understanding of the needs of the general public in connection
- 10 with air pollution problems.
- 11 (c) Six members shall have the following qualifications:
- 12 (1) One member shall have training and experience in
- 13 automotive engineering or closely related fields.
- 14 (2) One member shall have training and experience in chemistry,
- 15 meteorology, or related scientific fields, including agriculture or
- 16 law.
- 17 (3) One member shall be a physician and surgeon or an authority
- 18 on health effects of air pollution.
- 19 (4) Two members shall be public members.
- 20 (5) One member shall have the qualifications specified in
- 21 paragraph (1), (2), or (3) or shall have experience in the field of
- 22 air pollution control.
- 23 (d) ~~Five~~ Six members shall be board members from districts
- 24 who shall reflect the qualitative requirements of subdivision (c)
- 25 to the extent practicable. Of these members:
- 26 (1) One shall be a board member from the south coast district.
- 27 (2) One shall be a board member from the bay district.

1 (3) One shall be a board member from the San Joaquin Valley
2 Unified Air Pollution Control District.

3 (4) One shall be a board member from the San Diego County
4 Air Pollution Control District.

5 (5) ~~One member shall alternate between~~ *be* a board member
6 ~~from a district within the Sacramento federal nonattainment area~~
7 ~~for ozone in either the Sacramento Metropolitan Air Quality~~
8 ~~Management District, the Placer County Air Pollution Control~~
9 ~~District, the Yolo-Solano Air Quality Management District, the~~
10 ~~Feather River Air Quality Management District, or the El Dorado~~
11 ~~County Air Pollution Control District, and a member from any~~
12 ~~other district.~~

13 (6) *One shall be a board member of any other district.*

14 (e) Any vacancy shall be filled by the Governor within 30 days
15 of the date on which it occurs. If the Governor fails to make an
16 appointment for any vacancy within the 30-day period, the Senate
17 Committee on Rules may make the appointment to fill the vacancy
18 in accordance with this section.

19 (f) While serving on the state board, all members shall exercise
20 their independent judgment as officers of the state on behalf of the
21 interests of the entire state in furthering the purposes of this
22 division. A member of the state board shall not be precluded from
23 voting or otherwise acting upon any matter solely because that
24 member has voted or acted upon the matter in his or her capacity
25 as a member of a district board, except that a member of the state
26 board who is also a member of a district board shall not participate
27 in any action regarding his or her district taken by the state board
28 pursuant to Sections 41503 to 41505, inclusive.

29 ~~SEC. 1.5. Section 39510 of the Health and Safety Code is~~
30 ~~amended to read:~~

31 ~~39510. (a) The State Air Resources Board is continued in~~
32 ~~existence in the California Environmental Protection Agency. The~~
33 ~~state board shall consist of 11 members.~~

34 ~~(b) The members shall be appointed by the Governor, with the~~
35 ~~consent of the Senate, on the basis of their demonstrated interest~~
36 ~~and proven ability in the field of air pollution control and their~~
37 ~~understanding of the needs of the general public in connection~~
38 ~~with air pollution problems.~~

39 ~~(c) Six members shall have the following qualifications:~~

~~(1) One member shall have training and experience in automotive engineering or closely related fields.~~

~~(2) One member shall have training and experience in chemistry, meteorology, or related scientific fields, including agriculture or law.~~

~~(3) One member shall be a physician and surgeon or an authority on health effects of air pollution.~~

~~(4) Two members shall be public members.~~

~~(5) One member shall have the qualifications specified in paragraph (1), (2), or (3) or shall have experience in the field of air pollution control.~~

~~(d) Five members shall be board members from districts who shall reflect the qualitative requirements of subdivision (c) to the extent practicable. Of these members:~~

~~(1) One shall be a board member from the south coast district.~~

~~(2) One shall be a board member from the bay district.~~

~~(3) One shall be a board member from the San Joaquin Valley Unified Air Pollution Control District.~~

~~(4) One shall be a board member from the San Diego County Air Pollution Control District.~~

~~(5) One member shall alternate between a member from a district within the Sacramento federal nonattainment area for ozone in either the Sacramento Metropolitan Air Quality Management District, the Placer County Air Pollution Control District, the Yolo-Solano Air Quality Management District, the Feather River Air Quality Management District, or the El Dorado County Air Pollution Control District, and a member from any other district.~~

~~(e) Commencing on and after January 1, 2012, at least one of the 11 board members appointed pursuant to this section shall be an owner within the past five years of a small business, as defined in Section 14837 of the Government Code.~~

~~(f) Any vacancy shall be filled by the Governor within 30 days of the date on which it occurs. If the Governor fails to make an appointment for any vacancy within the 30-day period, the Senate Committee on Rules may make the appointment to fill the vacancy in accordance with this section.~~

~~(g) While serving on the state board, all members shall exercise their independent judgment as officers of the state on behalf of the interests of the entire state in furthering the purposes of this division. A member of the state board shall not be precluded from~~

1 ~~voting or otherwise acting upon any matter solely because that~~
2 ~~member has voted or acted upon the matter in his or her capacity~~
3 ~~as a member of a district board, except that a member of the state~~
4 ~~board who is also a member of a district board shall not participate~~
5 ~~in any action regarding his or her district taken by the state board~~
6 ~~pursuant to Sections 41503 to 41505, inclusive.~~

7 ~~(h) This section shall remain in effect only until January 1, 2017,~~
8 ~~and as of that date is repealed, unless a later enacted statute, that~~
9 ~~is enacted before January 1, 2017, deletes or extends that date.~~

10 ~~SEC. 1.7. Section 39510 is added to the Health and Safety~~
11 ~~Code, to read:~~

12 ~~39510. (a) The State Air Resources Board is continued in~~
13 ~~existence in the California Environmental Protection Agency. The~~
14 ~~state board shall consist of 11 members.~~

15 ~~(b) The members shall be appointed by the Governor, with the~~
16 ~~consent of the Senate, on the basis of their demonstrated interest~~
17 ~~and proven ability in the field of air pollution control and their~~
18 ~~understanding of the needs of the general public in connection~~
19 ~~with air pollution problems.~~

20 ~~(c) Six members shall have the following qualifications:~~

21 ~~(1) One member shall have training and experience in~~
22 ~~automotive engineering or closely related fields.~~

23 ~~(2) One member shall have training and experience in chemistry,~~
24 ~~meteorology, or related scientific fields, including agriculture or~~
25 ~~law.~~

26 ~~(3) One member shall be a physician and surgeon or an authority~~
27 ~~on health effects of air pollution.~~

28 ~~(4) Two members shall be public members.~~

29 ~~(5) One member shall have the qualifications specified in~~
30 ~~paragraph (1), (2), or (3) or shall have experience in the field of~~
31 ~~air pollution control.~~

32 ~~(d) Five members shall be board members from districts who~~
33 ~~shall reflect the qualitative requirements of subdivision (c) to the~~
34 ~~extent practicable. Of these members:~~

35 ~~(1) One shall be a board member from the south coast district.~~

36 ~~(2) One shall be a board member from the bay district.~~

37 ~~(3) One shall be a board member from the San Joaquin Valley~~
38 ~~Unified Air Pollution Control District.~~

39 ~~(4) One shall be a board member from the San Diego County~~
40 ~~Air Pollution Control District.~~

1 ~~(5) One member shall alternate between a member from a district~~
2 ~~within the Sacramento federal nonattainment area for ozone in~~
3 ~~either the Sacramento Metropolitan Air Quality Management~~
4 ~~District, the Placer County Air Pollution Control District, the~~
5 ~~Yolo-Solano Air Quality Management District, the Feather River~~
6 ~~Air Quality Management District, or the El Dorado County Air~~
7 ~~Pollution Control District, and a member from any other district.~~

8 ~~(e) Any vacancy shall be filled by the Governor within 30 days~~
9 ~~of the date on which it occurs. If the Governor fails to make an~~
10 ~~appointment for any vacancy within the 30-day period, the Senate~~
11 ~~Committee on Rules may make the appointment to fill the vacancy~~
12 ~~in accordance with this section.~~

13 ~~(f) While serving on the state board, all members shall exercise~~
14 ~~their independent judgment as officers of the state on behalf of the~~
15 ~~interests of the entire state in furthering the purposes of this~~
16 ~~division. A member of the state board shall not be precluded from~~
17 ~~voting or otherwise acting upon any matter solely because that~~
18 ~~member has voted or acted upon the matter in his or her capacity~~
19 ~~as a member of a district board, except that a member of the state~~
20 ~~board who is also a member of a district board shall not participate~~
21 ~~in any action regarding his or her district taken by the state board~~
22 ~~pursuant to Sections 41503 to 41505, inclusive.~~

23 ~~(g) This section shall become operative on January 1, 2017.~~

24 ~~SEC. 2. Sections 1.5 and 1.7 of this bill incorporates~~
25 ~~amendments to Section 39510 of the Health and Safety Code~~
26 ~~proposed by both this bill and Assembly Bill 135. Those sections~~
27 ~~shall only become operative if (1) both bills are enacted and~~
28 ~~become effective on or before January 1, 2012, (2) each bill amends~~
29 ~~Section 39510 of the Health and Safety Code, and (3) this bill is~~
30 ~~enacted after Assembly Bill 135, in which case Section 1 of this~~
31 ~~bill, and Sections 1 and 2 of Assembly Bill 135, shall not become~~
32 ~~operative.~~